

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COBBLESTONE WIRELESS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:23-cv-00285-JRG-RSP

JURY TRIAL DEMANDED

UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) move to amend the Docket Control Order (“DCO”) as set forth below and in the attached proposed order. The proposal would extend by three business days the deadline to comply to serve invalidity contentions pursuant to Patent Local Rule 3-3 and to produce documents accompanying invalidity contentions pursuant to Patent Local Rule 3-4. The proposal does not alter any other deadline.

A scheduling order may be modified “upon a showing of good cause and by leave of the district judge.” Fed. R. Civ. P. 16(b). “[W]hen determining whether good cause exists to allow a deviation from the court’s scheduling order,” this circuit considers four factors: “(1) the explanation for the failure to [meet the deadline]; (2) the importance of the [modification of the deadline]; (3) potential prejudice in allowing the [modification]; and (4) the availability of a continuance to cure such prejudice.” *Travelpass Group, LLC v. Caesars Entm’t Corp.*, No. 5:18CV153-RWS-CMC, 2020 WL 10963947, at *4 (E.D. Tex. Nov. 9, 2020) (brackets in original). Each factor supports Samsung’s motion to amend the DCO.

The modest extension will accommodate for the holiday season, as well as allow time for Samsung to finalize its preliminary invalidity contentions and collect the documents it is required to produce accompanying the invalidity contentions. Samsung's modest request—a three-business-day extension carrying over the weekend—would accommodate these circumstances. Samsung believes the parties would not suffer prejudice in allowing the modification of the DCO because it would not result in an extension of the overall schedule, and the extension is modest. Moreover, this extension is unopposed. There is no need for continuance to cure prejudice to either party as this extension does not modify any other deadlines.

Accordingly, Samsung respectfully requests the Court to issue the attached Amended DCO. The proposed dates are set forth below:

<u>Original Date</u>	<u>Amended Date</u>	<u>Deadline/Hearing</u>
December 21, 2023	December 27, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions
December 21, 2023	December 27, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)

Dated: December 18, 2023

By /s/ Melissa R. Smith

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*Counsel for Defendants Samsung Electronics Co., Ltd.
and Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on December 18, 2023.

/s/ Melissa Smith
Melissa Smith

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for all parties have conferred and the relief sought herein is unopposed. Counsel for Samsung also provided an advance copy of this motion to counsel for Cobblestone and accepted suggested edits.

/s/ Melissa Smith
Melissa Smith